

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte OLIVIER DAUDE and OLIVIER HERICOURT

Application No. 09/696,518

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the application indicates that the following headings are missing from the Appeal Brief of June 17, 2005:

- 1) "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related proceedings appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A supplemental brief that is in compliance with 37 CFR § 41.37(c) is required.

The Examiner's Answer, mailed September 7, 2005, is defective because the evidence relied upon listing the prior art applied is not stated in paragraph 8 in the Examiner's Answer. This is needed to process the case. Appropriate correction is required.


Accordingly it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of June 17, 2005 defective;
- 2) for applicant to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37 or the examiner may submit a statement representing the position taken on the missing appendices;
- 3) for the examiner to consider the supplemental Appeal Brief, if any, and issue a revised Examiner's Answer which lists the prior art being applied under the heading Evidence Relied Upon in paragraph 8 in accordance with the new rules; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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